

# **REVISOR'S REPORT 2011**

## **Chapter 1**

**Submitted to the Joint Standing  
Committee on Judiciary  
pursuant to the Maine Revised Statutes,  
Title 1, chapter 4.**

**Office of Revisor of Statutes  
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**Sec. 1. 1 MRSA §150-F**, as enacted by PL 2011, c. 53, §1, is reallocated to 1 MRSA §150-H.

#### **EXPLANATION**

This section corrects a numbering problem created by Public Law 2011, chapters 17 and 53, which enacted 2 substantively different provisions with the same section number.

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**Sec. 2. 4 MRSA §17, sub-§7, ¶F**, as enacted by PL 1997, c. 24, Pt. II, §2, is corrected to read:

F. Periodically studies the feasibility of continuing any agreement with the State Tax Assessor by which the Department of Administrative and Financial Services, Bureau of ~~Taxation~~ Revenue Services performs revenue-collecting services for the Judicial Department and, if it is determined that this would be in the best interests of the State, continues such an agreement.

#### **EXPLANATION**

This section corrects a reference to a bureau.

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**Sec. 3. 5 MRSA §243-B**, as enacted by PL 2003, c. 450, §3, is corrected to read:

#### **§243-B. Report regarding discrepancies**

~~In addition to the report required pursuant to section 243-A, if~~ If in the course of any audit of a state department or agency the Department of Audit finds significant discrepancies in the financial records of that state department or agency, the State Auditor shall report, in person, to the joint standing committee of the Legislature that has jurisdiction over that state department or agency within 60 days of the audit findings and the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and state and local government matters. If the Legislature is not in session during that 60 days, the State Auditor may report in writing to those committees.

#### **EXPLANATION**

This section removes a reference to a repealed section of law.

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**Sec. 4. 5 MRSA §285, sub-§1, ¶A**, as amended by PL 1985, c. 507, §2 and PL 2007, c. 58, §3, is corrected to read:

A. Each appointed or elective officer or employee of the State who is eligible for membership in the Maine Public Employees Retirement System, ~~Maine~~ Legislative Retirement System Program or the State Police Retirement System;

#### **EXPLANATION**

This section corrects a reference to the Legislative Retirement Program.

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**Sec. 5. 5 MRSA §4594-F, sub-§3, ¶A**, as amended by PL 2011, c. 322, §7, is corrected to read:

A. Places of employment or public accommodation and additions to those places constructed on or after January 1, 1996 but before March 15, 2012 ~~the standards of~~ must meet the standards of construction, including, but not limited to, the 5 parts of the standards of construction in paragraph B, subparagraph (2).

#### EXPLANATION

This section corrects a clerical error.

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**Sec. 6. 5 MRSA §12004-G, sub-§14-H**, as enacted by PL 2011, c. 90, Pt. B, §2, is corrected to read:

**14-H.**

Health Care	Board of Directors of the Maine Guaranteed Access Reinsurance Association	Expenses Only	24-A <u>MRSA</u> §3953
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#### EXPLANATION

This section corrects a cross-reference.

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**Sec. 7. 5 MRSA §13083-C, sub-§1, ¶F-4**, as enacted by PL 2011, c. 148, §1, is reallocated to 5 MRSA §13083-C, sub-§1, ¶F-6.

#### EXPLANATION

This section corrects a numbering problem created by Public Law 2011, chapters 136 and 148, which enacted 2 substantively different provisions with the same paragraph letter.

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**Sec. 8. 5 MRSA §17851, sub-§2-E**, as enacted by PL 2011, c. 380, Pt. T, §15, is corrected to read:

**2-E. Member not in service at retirement; fewer than 5 years creditable service on July 1, 2011.** A member who on July 1, 2011 did not have 5 years of creditable service and who is not in service at retirement qualifies for a service retirement benefit if the member retires upon or after reaching 65 years of age.

The creditable service and age requirements of this subsection may not be increased for a member who:

- A. Has at least 5 years of creditable service, which, for the purpose of determining completion of the 5-year requirement, may include creditable service as a member of the Legislative Retirement Program under Title 3, section 701, subsection 8; or
- B. Meets the applicability requirements of subsection 3-A.

#### EXPLANATION

This section corrects a clerical error.

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**Sec. 9. 10 MRSA §9721, sub-§§3 and 4**, as enacted by PL 2011, c. 408, §1, are corrected to read:

**3. Maine Uniform Building Code.** "Maine Uniform Building Code" means that portion of the Maine Uniform Building and Energy Code that does not contain energy code requirements as determined by the board pursuant to section 9722, subsection 6, paragraph ~~L~~ M.

**4. Maine Uniform Energy Code.** "Maine Uniform Energy Code" means that portion of the Maine Uniform Building and Energy Code that contains only energy code requirements as determined by the board pursuant to section 9722, subsection 6, paragraph ~~L~~ M.

**Sec. 10. 10 MRSA §9722, sub-§6, ¶K**, as amended by PL 2011, c. 365, §2 and c. 408, §2, is corrected to read:

K. In the adoption and amendment of the Maine Uniform Building and Energy Code, ensure that building materials from local sawmills, including but not limited to nongraded lumber, are permissible under the code; ~~and~~

**Sec. 11. 10 MRSA §9722, sub-§6, ¶L**, as enacted by PL 2011, c. 365, §3, is corrected to read:

L. In the adoption and amendment of the Maine Uniform Building and Energy Code, adopt the standards for residential basement wall insulation under the 2006 edition of the International Energy Conservation Code published by the International Code Council; ~~and~~ and

**Sec. 12. 10 MRSA §9722, sub-§6, ¶L**, as enacted by PL 2011, c. 408, §3, is reallocated to 10 MRSA §9722, sub-§6, ¶M.

#### **EXPLANATION**

These sections correct a lettering problem created by Public Law 2011, chapters 365 and 408, which enacted 2 substantively different provisions with the same paragraph letter.

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**Sec. 13. 11 MRSA §3-1401, sub-§(1), ¶(b)**, as enacted by PL 1993, c. 293, Pt. A, §2, is corrected to read:

(b). The person is represented by an agent or representative who signed the instrument and the signature is binding on the represented person under ~~Section~~ section 3-1402.

#### **EXPLANATION**

This section makes a technical correction.

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**Sec. 14. 12 MRSA §10263**, as enacted by PL 2011, c. 381, §5, is reallocated to 12 MRSA §10264.

#### **EXPLANATION**

This section corrects a numbering problem created by Public Law 2011, chapters 370 and 381, which enacted 2 substantively different provisions with the same section number.

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**Sec. 15. 12 MRSA §11109, sub-§3, ¶¶I and L**, as amended by PL 2009, c. 213, Pt. OO, §2, are corrected to read:

I. A nonresident big game hunting license, which permits hunting of all legal species subject to the permit requirements in ~~chapter 915~~, subchapter 3, is \$114.

L. An alien big game hunting license, which permits hunting of all legal species subject to the permit requirements in ~~chapter 915~~, subchapter 3, is \$139.

#### EXPLANATION

This section corrects a cross-reference.

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**Sec. 16. 12 MRSA §11109-A, sub-§4, ¶A**, as enacted by PL 2007, c. 163, §1 and affected by §3, is corrected to read:

A. A license or permit under ~~chapter 915~~, subchapters 13 and 15;

#### EXPLANATION

This section corrects a cross-reference.

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**Sec. 17. 12 MRSA §11160, sub-§2**, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §135 and affected by §422, is corrected to read:

**2. Eligibility; hunting license required.** A person who possesses a valid hunting license is eligible to obtain a permit from the commissioner to hunt coyotes at night, except that a permit may not be issued to a person who has been convicted of a violation of section ~~44206-A~~ 11206 within 5 years of the date of application for the permit.

#### EXPLANATION

This section corrects a cross-reference.

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**Sec. 18. 12 MRSA §12255, sub-§3**, as amended by PL 2009, c. 340, §15, is corrected to read:

**3. Carrying a firearm while trapping.** Notwithstanding section 11205, subsection 1, paragraph A and section ~~44206-A~~ 11206, subsection 1, paragraph A, a person who holds a valid trapping license may carry a firearm at any time during the open trapping season for the sole purpose of dispatching trapped animals unless that person is prohibited from possessing a firearm under Title 15, section 393, subsection 1 and has not obtained a valid permit in accordance with Title 15, section 393, subsection 2.

#### EXPLANATION

This section corrects a cross-reference.

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**Sec. 19. 14 MRSA §4422, sub-§11**, as enacted by PL 1981, c. 431, §2, is corrected to read:

**11. Life insurance dividends, interest and loan value.** The debtor's aggregate interest, not to exceed in value \$4,000 less any amount of property of the estate ~~transferred~~ transferred

in the manner specified in the United States Code, Title 11, Section 542(d), in any accrued dividend or interest under, or loan value of, any unmatured life insurance contract owned by the debtor under which the insured is the debtor or an individual of whom the debtor is dependent.

#### **EXPLANATION**

This section corrects a clerical error.

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**Sec. 20. 14 MRSA §6013, sub-§2, ¶A,** as enacted by PL 2011, c. 405, §5, is corrected to read:

A. If the tenant is still in possession of the rental unit, the landlord shall send written notice by first-class mail with proof of mailing to the tenant at the address of the rental unit of the landlord's intent to dispose of, in accordance with subsection 5, any property remaining in the rental unit following the tenant's vacating the rental unit. Notwithstanding subsections 3 and 5, the notice provided pursuant to this paragraph may not limit the ~~the~~ time in which the tenant may claim the property to less than 7 days following the mailing of the notice or 48 hours after service of the writ of possession, whichever period is longer.

#### **EXPLANATION**

This section corrects a clerical error.

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**Sec. 21. 14 MRSA §6030-C, sub-§1,** as amended by PL 2011, c. 405, §11, is corrected to read:

**1. Energy efficiency disclosure.** A prospective tenant who will be paying utility costs has the right to obtain from an energy supplier for the unit offered for rental the amount of consumption and the cost of that consumption for the prior 12-month period. A landlord or other person who on behalf of a landlord enters into a lease or tenancy at will agreement for residential property that will be used by a tenant or lessee as a primary residence shall provide to potential tenants or lessees who pay for an energy supply for the unit; or upon request by a tenant or lessee a residential energy efficiency disclosure statement in accordance with Title 35-A, section 10117, subsection 1 that includes, but is not limited to, information about the energy efficiency of the property. Alternatively, the landlord may include in the application for the residential property the name of each supplier of energy that previously supplied the unit, if known, and the following statement: "You have the right to obtain a 12-month history of energy consumption and the cost of that consumption from the energy supplier."

#### **EXPLANATION**

This section makes a technical correction.

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**Sec. 22. 18-B MRSA §905,** as enacted by PL 2003, c. 618, Pt. A, §1 and affected by §2, is corrected to read:

**§905. ~~Investment costs~~ Reviewing compliance**

Compliance with the prudent investor rule is determined in light of the facts and circumstances existing at the time of a trustee's decision or action and not by hindsight.

**EXPLANATION**

This section corrects a headnote.

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**Sec. 23. 20-A MRSA §254, sub-§13**, as enacted by PL 2011, c. 348, §2, is reallocated to 20-A MRSA §254, sub-§14.

**Sec. 24. 20-A MRSA §254, sub-§13**, as enacted by PL 2011, c. 354, §1, is reallocated to 20-A MRSA §254, sub-§15.

**EXPLANATION**

These sections correct a numbering problem created by Public Law 2011, chapters 154, 348 and 354, which enacted 3 substantively different provisions with the same subsection number.

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**Sec. 25. 20-A MRSA §1001, sub-§14, ¶D**, as enacted by PL 2011, c. 395, §3, is reallocated to 20-A MRSA §1001, sub-§14, ¶E.

**EXPLANATION**

This section corrects a numbering problem created by Public Law 2011, chapters 249 and 395, which enacted 2 substantively different provisions with the same paragraph letter.

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**Sec. 26. 20-A MRSA §4010**, as enacted by PL 2011, c. 397, §1, is reallocated to 20-A MRSA §4011.

**EXPLANATION**

This section corrects a numbering problem created by Public Law 2011, chapters 162 and 397, which enacted 2 substantively different provisions with the same section number.

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**Sec. 27. 20-A MRSA §7202, sub-§10**, as amended by PL 2011, c. 348, §5 and c. 363, §2, is corrected to read:

**10. Department of Health and Human Services; authority to request convening of individualized education program team meeting.** Notify in writing the individual designated by the Department of Health and Human Services that the Department of Health and Human Services has the authority to request the school administrative unit to convene an individualized education program team meeting and to attend and participate in any individualized education program team meetings concerning a child with a disability who is a state ward. The written notice must indicate the time and place of the individualized education program team meeting and a copy of the notice must be placed in the child's permanent record; ~~and~~

**Sec. 28. 20-A MRSA §7202, sub-§11**, as enacted by PL 2011, c. 348, §6, is corrected to read:

**11. Transitional services for students with disabilities.** Plan, coordinate and implement services for students with disabilities who are in transition from school to community in accordance with rules adopted by the department. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A; and

**Sec. 29. 20-A MRSA §7202, sub-§11,** as enacted by PL 2011, c. 363, §3, is reallocated to 20-A MRSA §7202, sub-§12.

#### **EXPLANATION**

These sections correct a numbering problem created by Public Law 2011, chapters 348 and 363, which enacted 2 substantively different provisions with the same subsection number, and make technical corrections.

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**Sec. 30. 20-A MRSA §19251, sub-§3,** as enacted by PL 2011, c. 354, §3, is corrected to read:

**3. Use of fund; technical assistance.** Balances in the fund may be used for the necessary expenses of the department in the administration of the fund. Balances in the fund may be used to pay for the development of a program of technical assistance pursuant to section 254, subsection ~~43~~ 15 that designs instructional materials that promote digital literacy, teacher professional development and training on the use of online learning resources, new administrative costs and other expenses not related to a learning through technology program funded under section 15689-A, subsection 12-A and for the implementation of a new clearinghouse for information on the use of online learning resources, including best practices in the use of open educational resources and open-source textbooks for elementary schools, middle schools and high schools.

#### **EXPLANATION**

This section corrects a cross-reference.

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**Sec. 31. 22 MRSA §2423-A, sub-§7,** as enacted by PL 2011, c. 407, Pt. B, §16, is reallocated to 22 MRSA §2423-A, sub-§9.

#### **EXPLANATION**

This section corrects a numbering problem created by Public Law 2011, chapters 383 and 407, which enacted 2 substantively different provisions with the same subsection number.

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**Sec. 32. 22 MRSA §3174-QQ,** as enacted by PL 2011, c. 457, §1, is reallocated to 22 MRSA §3174-RR.

#### **EXPLANATION**

This section corrects a numbering problem created by Public Law 2011, chapters 35 and 457, which enacted 2 substantively different provisions with the same section number.

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**Sec. 33. 22 MRSA §3762, sub-§18,** as enacted by PL 2011, c. 380, Pt. LL, §1, is reallocated to 22 MRSA §3762, sub-§20.



## EXPLANATION

This section corrects a numbering problem created by Public Law 2011, chapter 380, Part LL, section 1 and Part PP, section 2, which enacted 2 substantively different provisions with the same subsection number.

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**Sec. 34. 22 MRSA §4038-E, first ¶**, as enacted by PL 2011, c. 402, §15, is corrected to read:

The department may petition the District Court to have a permanency guardian adopt the child in the ~~permaney~~ permanency guardian's care and to change the child's name.

## EXPLANATION

This section corrects a clerical error.

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**Sec. 35. 22 MRSA §4099-H, sub-§1**, as enacted by PL 2011, c. 385, §1, is corrected to read:

**1. Definitions.** As used in this section, unless ~~this~~ the context otherwise indicates, the following terms have the following meanings.

A. "Emergency shelter family home" means a home that provides community-based emergency shelter with an individual or a family that is operated 24 hours a day under the auspices of an emergency shelter licensed by the department in accordance with rules adopted by the department under sections 7801 and 8102.

B. "Youth" means a child 12 to 20 years of age.

## EXPLANATION

This section corrects a clerical error.

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**Sec. 36. 23 MRSA §1914, sub-§5**, as repealed and replaced by PL 1981, c. 318, §4, is corrected to read:

**5. Interstate highways.** Not more than one on-premise sign, advertising the sale or lease of the property, may be permitted on land adjacent to any portion of the interstate system, including ramps and interchange areas, which is visible therefrom.

Not more than one on-premise sign visible from any portion of the interstate system, including ramps and interchange areas, may be permitted more than 50 feet from the principal building or structure where the business, facility or point of interest is carried on.

No on-premise advertisement, located more than 50 feet from the principal building or structure where the business, facility or point of interest advertised is carried on, may exceed 20 feet in ~~length~~ length, width or height or 150 square feet in area, including border and trim, but excluding supports.

Any on-premise sign located more than 50 feet from the principal structure where the business, facility or point of interest is carried on that displays any trade name which refers to or identifies any service rendered or product sold shall display the name of the advertised business, facility or point of interest as conspicuously as such trade name.

## EXPLANATION

This section corrects clerical errors.

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**Sec. 37. 24-A MRSA §601, sub-§29**, as enacted by PL 2011, c. 345, §3 and affected by §7, is reallocated to 24-A MRSA §601, sub-§30.

## EXPLANATION

This section corrects a numbering problem created by Public Law 2011, chapters 297 and 345, which enacted 2 substantively different provisions with the same subsection number.

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**Sec. 38. 24-A MRSA §2509, sub-§1, ¶B**, as enacted by PL 1969, c. 132, §1, is corrected to read:

B. Applied to any one of such other dividend options as may be provided by the policy. If any such other dividend options are provided, the policy shall further state which option shall be automatically effective if such party shall not have elected some other option. If the policy specifies a period within which such other dividend option may be elected, such period shall be not less than 30 days following the date on which such dividend is due and payable. The annually apportioned dividend shall be deemed to be payable in cash within the meaning of paragraph A even though the policy provides that payment of such dividend is to be deferred for a specified period, provided such period does not exceed 6 years from the date of apportionment and that interest will be added to such dividend at a specified rate.

## EXPLANATION

This section corrects a cross-reference.

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**Sec. 39. 24-A MRSA §2803-A, sub-§2**, as amended by PL 2011, c. 395, §4, is corrected to read:

**2. Disclosure of basic loss information.** Upon written request, every insurer shall provide loss information concerning a group policy or contract to its policyholder, to a former policyholder or to a school administrative unit pursuant to Title 20-A, section 1001, subsection 14, paragraph ~~D~~ E within 21 business days of the date of the request. This subsection does not apply to a former policyholder whose coverage terminated more than 18 months prior to the date of a request.

## EXPLANATION

This section corrects a cross-reference.

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**Sec. 40. 24-A MRSA §2808-B, sub-§2, ¶E**, as amended by PL 2011, c. 364, §12, is corrected to read:

E. The superintendent may authorize a carrier to establish a separate community rate for an association group organized pursuant to section 2805-A or a trustee group organized pursuant to section 2806, as long as association group membership or eligibility for participation in the trustee group is not conditional on health status, claims experience or

other risk selection criteria and all small group health plans offered by the carrier through that association or trustee group:

- (1) Are otherwise in compliance with the premium rate requirements of this subsection; and
- (2) Are offered on a guaranteed issue basis to all eligible employers that are members of the association or are eligible to participate in the trustee group except that a professional association may require that a minimum percentage of the eligible professionals employed by a subgroup be members of the association in order for the subgroup to be eligible for issuance or renewal of coverage through the association. The minimum percentage must not exceed 90%. For purposes of this subparagraph, "professional association" means an association that:
  - (a) Serves a single profession that requires a significant amount of education, training or experience or a license or certificate from a state authority to practice that profession;
  - (b) Has been actively in existence for 5 years;
  - (c) Has a constitution and bylaws or other analogous governing documents;
  - (d) Has been formed and maintained in good faith for purposes other than obtaining insurance;
  - (e) Is not owned or controlled by a carrier or affiliated with a carrier;
  - (g) Has ~~a~~ at least 1,000 members if it is a national association; 200 members if it is a state or local association;
  - (h) All members and dependents of members are eligible for coverage regardless of health status or claims experience; and
  - (i) Is governed by a board of directors and sponsors annual meetings of its members.

Producers may only market association memberships, accept applications for membership or sign up members in the professional association where the individuals are actively engaged in or directly related to the profession represented by the professional association.

Except for employers with plans that have grandfathered status under the federal Affordable Care Act, this paragraph does not apply to policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2014.

### EXPLANATION

This section corrects a clerical error.

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**Sec. 41. 24-A MRSA §4303, sub-§3-B**, as amended by PL 2011, c. 270, §1, is corrected to read:

**3-B. Prohibition on financial incentives.** A carrier offering or renewing a managed care plan may not offer or pay any type of material inducement, bonus or other financial incentive to a participating provider to deny, reduce, withhold, limit or delay specific medically necessary health care services covered under the plan to an enrollee. This subsection may not be construed to prohibit pilot projects authorized pursuant to section ~~4319~~ 4320-H or to prohibit contracts that contain incentive plans that involve general payments

such as capitation payments or risk-sharing agreements that are made with respect to providers or groups of providers or that are made with respect to groups of enrollees.

#### **EXPLANATION**

This section corrects a cross-reference.

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**Sec. 42. 24-A MRSA §4303, sub-§15**, as enacted by PL 2011, c. 451, §1 and affected by §2, is reallocated to 24-A MRSA §4303, sub-§17.

#### **EXPLANATION**

This section corrects a numbering problem created by Public Law 2011, chapters 364 and 451, which enacted 2 substantively different provisions with the same subsection number.

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**Sec. 43. 24-A MRSA §4320**, as enacted by PL 2011, c. 270, §2, is reallocated to 24-A MRSA §4320-H.

#### **EXPLANATION**

This section corrects a numbering problem created by Public Law 2011, chapters 270 and 364, which enacted 2 substantively different provisions with the same section number.

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**Sec. 44. 24-A MRSA §7103, sub-§4, ¶A**, as enacted by PL 2011, c. 345, §4 and affected by §7, is corrected to read:

A. The registrant shall pay to the superintendent a fee as set forth in section 601, subsection ~~29~~ 30 upon initial registration and every year thereafter.

#### **EXPLANATION**

This section corrects a cross-reference.

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**Sec. 45. 30 MRSA §6209-C, sub-§1-A**, as enacted by PL 2009, c. 384, Pt. E, §2 and affected by §3, is reallocated to 30 MRSA §6209-C, sub§1-B.

#### **EXPLANATION**

This section corrects a numbering problem created by Public Law 2009, chapter 384, Part D, section 1 and Part E, section 2, which enacted 2 substantively different provisions with the same subsection number.

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**Sec. 46. 30-A MRSA §406, sub-§1-A**, as enacted by PL 2011, c. 374, §2, is corrected to read:

**1-A. Accepting transferred inmates.** A correctional facility shall accept any inmate transferred to it by the Commissioner of Corrections pursuant to Title 34-A, ~~sections~~ section 1404 or 1405 if:

A. Such transfer is consistent with policies established by the board pursuant to Title 34-A, section 1803; and

B. There are sufficient vacant and budgeted beds in that facility appropriate for the security classification and any special needs or circumstances of the transferred inmate.

#### **EXPLANATION**

This section corrects a clerical error.

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**Sec. 47. 33 MRSA §1603-116, sub-§(j)**, as enacted by PL 2011, c. 368, §7, is reallocated to 33 MRSA §1603-116, sub-§(i).

#### **EXPLANATION**

This section corrects a numbering error.

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**Sec. 48. 33 MRSA §1953, sub-§1, ¶G**, as amended by PL 2011, c. 433, §1, is corrected to read:

G. A gift obligation or stored-value card, 2 years after December 31st of the year in which the obligation or the most recent transaction involving the obligation or stored-value card occurred, whichever is later, including the initial issuance and any subsequent addition of value to the obligation or stored-value card.

(1) The amount unclaimed is 60% of the gift obligation's or stored-value card's face value.

(2) A gift obligation or stored-value card sold on or after December 31, 2011 is not presumed abandoned if the gift obligation or stored-value card was sold by a single issuer who in the past calendar year sold no more than \$250,000 in face value of gift obligations or stored-value cards. Sales of gift obligations and stored-value cards are considered sales by a single issuer if the sales were by businesses that operate either:

(a) Under common ownership or control with another business or businesses in the State; or

(b) As franchised outlets of a parent business.

(3) A period of limitation may not be imposed on the owner's right to redeem the gift obligation or stored-value card.

(4) Notwithstanding section 1956, fees or charges may not be imposed on gift obligations or stored-value cards, except that the issuer may charge a transaction fee for the initial issuance and for each occurrence of adding value to an existing gift obligation or stored-value card. These transaction fees must be disclosed in a separate writing prior to the initial issuance or referenced on the gift obligation or stored-value card.

(5) Beginning November 1, 2008, if the gift obligation or stored-value card is redeemed in person and a balance of less than \$5 remains following redemption, at the consumer's request the merchant redeeming the gift obligation or stored-value card must refund the balance in cash to the consumer. This subparagraph does not apply to a prepaid telephone service card, a gift obligation or nonreloadable stored-value card with an initial value of \$5 or less or a stored-value card that is not purchased but provided as a promotion or as a refund for merchandise returned without a receipt.

(6) This paragraph does not apply to prefunded bank cards;

## EXPLANATION

This section corrects punctuation.

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**Sec. 49. 36 MRSA §191, sub-§2, ¶QQ**, as amended by PL 2011, c. 331, §10 and affected by §§16 and 17, is corrected to read:

QQ. The disclosure of registration, reporting and payment information to the Department of Agriculture, Food and Rural Resources necessary for the administration of Title 32, chapter 28; ~~and~~

**Sec. 50. 36 MRSA §191, sub-§2, ¶RR**, as enacted by PL 2011, c. 331, §11 and affected by §§16 and 17, is reallocated to 36 MRSA §191, sub-§2, ¶TT.

**Sec. 51. 36 MRSA §191, sub-§2, ¶RR**, as amended by PL 2011, c. 380, Pt. Q, §3 and affected by §7, is corrected to read:

RR. The disclosure to the Finance Authority of Maine of the cumulative value of eligible premiums submitted for reimbursement pursuant to Title 10, section 1020-C; ~~and~~

**Sec. 52. 36 MRSA §191, sub-§2, ¶RR**, as enacted by PL 2011, c. 439, §7 and affected by §12, is reallocated to 36 MRSA §191, sub-§2, ¶UU.

**Sec. 53. 36 MRSA §191, sub-§2, ¶SS**, as enacted by PL 2011, c. 439, §8 and affected by §12, is reallocated to 36 MRSA §191, sub-§2, ¶VV.

## EXPLANATION

These sections correct a lettering problem created by Public Law 2011, chapters 211, 331, 380 and 439, which enacted substantively different provisions with the same paragraph letters, and makes grammatical corrections.

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**Sec. 54. 36 MRSA §5122, sub-§2, ¶HH**, as amended by PL 2011, c. 380, Pt. O, §7 and affected by §18, is corrected to read:

HH. To the extent included in federal adjusted gross income, annuity payments made to the survivor of a deceased member of the military as the result of service in active or reserve components of the United States Army, Navy, Air Force, Marines or Coast Guard under a survivor benefit plan or reserve component survivor benefit plan pursuant to 10 United States Code, Chapter 73; ~~and~~

**Sec. 55. 36 MRSA §5122, sub-§2, ¶HH**, as enacted by PL 2011, c. 454, §9, is reallocated to 36 MRSA §5122, sub-§2, ¶JJ.

**Sec. 56. 36 MRSA §5122, sub-§2, ¶II**, as enacted by PL 2011, c. 380, Pt. O, §8 and affected by §18, is corrected to read:

II. For taxable years beginning on or after January 1, 2012, an amount equal to the net increase in the depreciation deduction allowable under the Code, Sections 167 and 168 that would have been applicable to that property had the depreciation deduction under the Code, Section 168(k) not been claimed with respect to such property placed in service during the taxable year beginning in 2011 or 2012 for which an addition was required under subsection 1, paragraph FF, subparagraph (2) for the taxable year beginning in 2011 or 2012.

Upon the taxable disposition of property to which this paragraph applies, the amount of any gain or loss includable in federal adjusted gross income must be adjusted for Maine income tax purposes by an amount equal to the difference between the addition modification for such property under subsection 1, paragraph FF, subparagraph (2) related to property placed in service outside the State and the subtraction modifications allowed pursuant to this paragraph.

The total amount of subtraction claimed for property placed in service outside the State under this paragraph for all tax years may not exceed the addition modification under subsection 1, paragraph FF, subparagraph (2) for the same property-; and

### EXPLANATION

These sections correct a lettering problem created by Public Law 2011, chapters 380 and 454, which enacted 2 substantively different provisions with the same paragraph letter, and make grammatical corrections.

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**Sec. 57. 36 MRSA §5200-A, sub-§2, ¶V**, as enacted by PL 2011, c. 380, Pt. O, §16 and affected by §18, is corrected to read:

V. For taxable years beginning on or after January 1, 2012, an amount equal to the net increase in the depreciation deduction allowable under the Code, Sections 167 and 168 that would have been applicable to that property had the depreciation deduction under the Code, Section 168(k) not been claimed with respect to such property placed in service during the taxable year beginning in 2011 or 2012 for which an addition was required under subsection 1, paragraph Y, subparagraph (2) for the taxable year beginning in 2011 or 2012.

Upon the taxable disposition of property to which this paragraph applies, the amount of any gain or loss includable in federal adjusted gross income must be adjusted for Maine income tax purposes by an amount equal to the difference between the addition modification for such property under subsection 1, paragraph Y, subparagraph (2) related to property placed in service outside the State and the subtraction modifications allowed pursuant to this paragraph.

The total amount of subtraction claimed for property placed in service outside the State under this paragraph for all tax years may not exceed the addition modification under subsection 1, paragraph Y, subparagraph (2) for the same property-; and

**Sec. 58. 36 MRSA §5200-A, sub-§2, ¶V**, as enacted by PL 2011, c. 454, §13, is reallocated to 36 MRSA §5200-A, sub-§2, ¶W.

### EXPLANATION

These sections correct a numbering problem created by Public Law 2011, chapters 380 and 454, which enacted 2 substantively different provisions with the same paragraph letter, and make a grammatical correction.

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**Sec. 59. 38 MRSA §480-Q, sub-§29**, as amended by PL 2011, c. 12, §2 and c. 64, §4, is corrected to read:

**29. Dam safety order.** Activity associated with the breach or removal of a dam pursuant to an order issued by the Commissioner of Defense, Veterans and Emergency Management under Title 37-B, chapter 24; ~~and~~

**Sec. 60. 38 MRSA §480-Q, sub-§30**, as enacted by PL 2011, c. 12, §3, is corrected to read:

**30. Lobster trap storage.** The storage of lobster traps and related trap lines, buoys and bait bags on docks in, on, over or adjacent to a coastal wetland. For purposes of this subsection, "dock" means a dock, wharf, pier, quay or similar structure built in part on the shore and projected into a harbor and used as a landing, docking, loading or unloading area for watercraft; and

**Sec. 61. 38 MRSA §480-Q, sub-§30**, as enacted by PL 2011, c. 64, §5, is reallocated to 38 MRSA §480-Q, sub-§31.

#### **EXPLANATION**

These sections correct a numbering problem created by Public Law 2011, chapters 12 and 64, which enacted 2 substantively different provisions with the same subsection number, and make grammatical corrections.

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**Sec. 62. PL 2011, c. 167, §5** is corrected to read:

**Sec. 5. Proof of inspection.** Before March 1, 2013, if a motorcycle meets the inspection standard under the Maine Revised Statutes, Title 29-A, section 1751, either a valid certificate of inspection or an official inspection sticker for the motorcycle is acceptable proof of inspection for purposes of Title 29-A, section 1758, ~~subsection~~ subsection 3.

#### **EXPLANATION**

This section corrects a clerical error.

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**Sec. 63. PL 2011, c. 270, §4** is corrected to read:

**Sec. 4. Superintendent of Insurance to submit rules.** The Superintendent of Insurance shall submit copies of the rules adopted pursuant to the Maine Revised Statutes, Title 24-A, section ~~4320~~ 4320-H, subsection 2 to the Joint Standing Committee on Insurance and Financial Services no later than December 1, 2011.

#### **EXPLANATION**

This section corrects a cross-reference.

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**Sec. 64. PL 2011, c. 345, §4, first 3 lines** are corrected to read:

**Sec. 4. 24-A MRSA c. ~~89~~ 91** is enacted to read:

### **CHAPTER 91**

### **SERVICE CONTRACTS**

#### **EXPLANATION**

This section corrects a numbering problem created by Public Law 2011, chapters 297 and 345, which enacted 2 substantively different chapters with the same chapter number.

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